IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LITIGATION Master Docket: Misc. No. 21-mc-1230-JFC

MDL No. 3014

This Document Relates to:

SHORT FORM COMPLAINT FORPERSONAL INJURIES, DAMAGES,AND DEMAND FOR JURY TRIAL

Marcella Cook, As Personal Representative of the Estate of Steve Cook, Deceased (Case No. 2:23-cv-0928)

DIRECT FILED PURSUANT TO PRETRIAL ORDER #28

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in *In re Philips Recalled CPAP*, *Bi-Level PAP*, and Mechanical Ventilator Products Litigation, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. DEFENDANTS

1.	Plaintiff(s) name(s) the following Defendants in this action:	
	✓ Koninklijke Philips N.V.	
	✓ Philips North America LLC.	
	✓ Philips RS North America LLC.	

П.

Ш.

	✓ Philips Holding USA Inc.
	Philips RS North America Holding Corporation.
	Polymer Technologies, Inc.
	Polymer Molded Products LLC.
PLAI	NTIFF(S)
2.	Name of Plaintiff(s):
	Estate of Steve Cook, Deceased Marcella G. Cook
3.	Name of spouse of Plaintiff (if loss of consortium claim is being made): Marcella G. Cook
4.	Name and capacity (<i>i.e.</i> , executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any: Marcella Cook, As Personal Representative of the Estate of Steve Cook, Deceased
5.	State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased, residence at the time of death): Georgia
DES	GNATED FORUM
6.	Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing: United States District Court for the Middle Districy of Georgia - Columbus Division

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

E30 (Emergency Use Authorization)	Dorma 500
✓ DreamStation ASV	REMstar SE Auto
DreamStation ST, AVAPS	Trilogy 100
SystemOne ASV4	Trilogy 200
C-Series ASV	Garbin Plus, Aeris, LifeVent
C-Series S/T and AVAPS	A-Series BiPAP Hybrid A30 (not marketed
OmniLab Advanced +	in U.S.)
SystemOne (Q-Series)	A-Series BiPAP V30 Auto
DreamStation	A-Series BiPAP A40
DreamStation Go	A-Series BiPAP A30
	Other Philips Respironics Device; if other,
	identify the model:
V. INJURIES	
8. Plaintiff alleges the following Device together with the attendather with:	g physical injuries as a result of using a Recalled dant symptoms and consequences associated
COPD (new or worsening)
Asthma (new or worsenin	g)
Pulmonary Fibrosis	
Other Pulmonary Damage	e/Inflammatory Response
✓ Cancer Lung Cancer	(specify cancer)
Kidney Damage	
Liver Damage	

	Heart Damage	
	✓ Death	
	Other (specify) Lung Damage	
CAU	SES OF ACTION/DA	
9.	· 11 M . / I ama [ilips N.V., Plaintiff(s) adopt(s) the following claims asserted form Complaint for Personal Injuries, Damages and Demand e allegations and prayer for relief with regard thereto, as set
	✓ Count I:	Negligence
	✓ Count II:	Strict Liability: Design Defect
	✓ Count III:	Negligent Design
	✓ Count IV:	Strict Liability: Failure to Warn
	✓ Count V:	Negligent Failure to Warn
	✓ Count VI:	Negligent Recall
	Count VII:	Battery
	✓ Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation

VI.

	Count XV:	Negligence Per Se
	✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
	✓ Count XVII:	Unjust Enrichment
	✓ Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	✓ Count XX:	Medical Monitoring
	Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
10.	1 ' 11 - Mac	th America LLC, Plaintiff(s) adopt(s) the following claims ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto,
	✓ Count I:	Negligence
	✓ Count II:	Strict Liability: Design Defect
	✓ Count III:	Negligent Design
	✓ Count IV:	Strict Liability: Failure to Warn
	✓ Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	✓ Count VIII:	Strict Liability: Manufacturing Defect
	✓ Count IX:	Negligent Manufacturing

Count X:	Breach of Express Warranty	
✓ Count XI:	Breach of the Implied Warranty of Merchantability	
✓ Count XII:	Breach of the Implied Warranty of Usability	
✓ Count XIII:	Fraud	
✓ Count XIV:	Negligent Misrepresentation	
✓ Count XV:	Negligence Per Se	
✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law	
Count XVII:	Unjust Enrichment	
Count XVIII:	Loss of Consortium	
Count XIX:	Survivorship and Wrongful Death	
Count XX:	Medical Monitoring	
Count XXI:	Punitive Damages	
Count XXII:	Other [specify below]	
As to Philips RS North America LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:		
✓ Count I:	Negligence	
✓ Count II:	Strict Liability: Design Defect	

Strict Liability: Failure to Warn

Negligent Design

11.

✓ Count III:

✓ Count IV:

✓ Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
✓ Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
✓ Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
✓ Count XI:	Breach of the Implied Warranty of Merchantability
✓ Count XII:	Breach of the Implied Warranty of Usability
✓ Count XIII:	Fraud
✓ Count XIV:	Negligent Misrepresentation
✓ Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]

12.

· 11 Manton I ong E	SUSA Inc., Plaintiff(s) adopt(s) the following claims asserted orm Complaint for Personal Injuries, Damages and Demand e allegations and prayer for relief with regard thereto, as set
✓ Count I:	Negligence
✓ Count II:	Strict Liability: Design Defect
✓ Count III:	Negligent Design
✓ Count IV:	Strict Liability: Failure to Warn
✓ Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
✓ Count XII:	Breach of the Implied Warranty of Usability
✓ Count XIII:	Fraud
✓ Count XIV:	Negligent Misrepresentation
✓ Count XV:	Negligence Per Se
✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
✓ Count XVII:	Unjust Enrichment
✓ Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring

	✓ Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
13.	following claims ass	North America Holding Corporation, Plaintiff(s) adopt(s) the erted in the Master Long Form Complaint for Personal Injuries, and for Jury Trial, and the allegations and prayer for relief with t forth therein:
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	✓ Count V:	Negligent Failure to Warn
	✓ Count VI:	Negligent Recall
	✓ Count VII:	Battery
	✓ Count VIII:	Strict Liability: Manufacturing Defect
	✓ Count IX:	Negligent Manufacturing
	✓ Count X:	Breach of Express Warranty
	✓ Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation
	Count XV:	Negligence Per Se

	✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring
	✓ Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
14.	accepted in the Mast	chnologies, Inc., Plaintiff(s) adopt(s) the following claims ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
	✓ Count I:	Negligence
	✓ Count II:	Strict Liability: Design Defect
	✓ Count III:	Negligent Design
	✓ Count IV:	Strict Liability: Failure to Warn
	✓ Count V:	Negligent Failure to Warn
	✓ Count VIII:	Strict Liability: Manufacturing Defect
	✓ Count IX:	Negligent Manufacturing
	Count XIII:	Fraud
	✓ Count XIV:	Negligent Misrepresentation
	✓ Count XVII:	Unjust Enrichment
	Country	

✓ Count XVIII:	Loss of Consortium
✓ Count XIX:	Survivorship and Wrongful Death
✓ Count XX:	Medical Monitoring
✓ Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
aggarted in the Mact	ded Products LLC, Plaintiff(s) adopt(s) the following claims or Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
✓ Count XVII:	Unjust Enrichment
✓ Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
✓ Count XX:	Medical Monitoring

	Count XXI:	Punitive Damages Other [specify below]
16.	Complaint for Personabove, the addition	against the Defendants identified in the Master Long Form onal Injuries, Damages and Demand for Jury Trial are alleged al facts, if any, supporting these allegations must be pleaded.) the following additional factual allegations against the ed in the Master Long Form Complaint for Personal Injuries, and for Jury Trial:
17.		d(s) that additional parties may be liable or responsible for ges alleged herein. Such additional parties, who will be hereafter fendants, are as follows (must name each Defendant and its

18. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 16 above:

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: Oct 19 2023

/s/ Darren Wolf

Darren Wolf
Texas Bar 24072430
Law Office of Darren Wolf, P.C.
1701 N. Market Street, Suite 210
Dallas, Texas 75202
Phone: (214) 346-5355
Fax: (214) 346-5909
darren@darrenwolf.com

ATTORNEY FOR PLAINTIFF(S)